

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT
OF PENNSYLVANIA**

In re:

TIGIST GUEBREYES,
Debtor

: CHAPTER 13

: BANKR. NO. 16-14007

TIGIST GUEBREYES,
Plaintiff

v.

PENNSYLVANIA HOUSING FINANCE AGENCY, and
CITIZENS BANK, N.A.,
Defendants

: ADVERSARY NO. 16-

COMPLAINT

- 1) This is an action by the Debtor to avoid totally unsecured alleged security interests against her residential realty.
- 2) Jurisdiction of this court to hear this proceeding is conferred by 28 U.S.C. section 1334(b). This is a core proceeding because it seeks to determine the validity of liens, pursuant to 28 U.S.C. sections 157(b)(2)(K).
- 3) The Plaintiff in this proceeding is TIGIST GUEBREYES, ("the Debtor"), an adult individual who owns real property at 1336 Kimberly Drive, Philadelphia, PA. 19151 ("the Home"), who is the Debtor in the underlying Chapter 13 bankruptcy case.
- 4) The Defendants in this proceeding are the following:
 - a. PENNSYLVANIA HOUSING FINANCE AGENCY, the address on its proof of claim of which is Jada S. Greenhowe, Esq., Assistant Counsel, Pennsylvania Housing Finance Agency, 211 North Front Street, P.O. Box 8029, Harrisburg, PA. 17105 ("PHFA"); and
 - b. CITIZENS BANK, N.A., the address on its proof of claim is c/o Ms. Amanda Lynn Davis, Bankruptcy Specialist, Citizens Bank, N.A., One Citizens Drive, Mailstop ROP15B, Riverside, RI 02915 ("Citizens").
- 5) The first mortgage on the Home is U.S. Bank, National Association, Trustee for the PE PHFA Loan Servicing Division ("USB").
- 6) USB has filed a secured proof of claim in the amount of \$144,423.16.

7) The value of the Home is no more than \$125,000.

8) The security interests of or held by the Defendants against the Home, are therefore totally under-secured and, as such, are subject to avoidance pursuant to 11 U.S.C. section 506(a), as interpreted by In re McDonald, 205 F.3d 606 (3d Cir. 2000).

WHEREFORE, the Plaintiff requests this court to enter an Order avoiding the Defendants' security interests against the Home.

/s/ DAVID A. SCHOLL
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